



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

CHAPTER 2

[^{F1}NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.]

Functions: information systems

255 Powers to request [^{F1}NHS England] to establish information systems

- (1) Any person (including a devolved authority) may request [^{F2}NHS England] to establish and operate a system for the collection or analysis of information of a description specified in the request.
- (2) A request may be made under subsection (1) by a person only if the person considers that the information which could be obtained by complying with the request is information which it is necessary or expedient for the person to have in relation to the person's exercise of functions, or carrying out of activities, in connection with the provision of health care or adult social care.
- (3) [^{F3}NHS England] must comply with a mandatory request unless [^{F3}NHS England] considers that the request relates to information of a description prescribed in regulations.
- (4) For the purposes of this Chapter a request under subsection (1) is a mandatory request if—
 - (a) it is made by a principal body, and
 - (b) the body considers that the information which could be obtained by complying with the request is information which it is necessary or expedient for the body

Changes to legislation: Health and Social Care Act 2012, Section 255 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

to have in relation to its discharge of a duty in connection with the provision of health services or of adult social care in England.

^{F4}(5)

^{F5}(6)

(7) Subsection (8) applies where [^{F6}NHS England] has discretion under this section as to whether to comply with—

- (a) a mandatory request, or
- (b) other request under subsection (1).

(8) In deciding whether to comply with the request, [^{F7}NHS England]—

- (a) must, in particular, consider whether doing so would interfere to an unreasonable extent with the exercise by [^{F7}NHS England] of any of its functions, and
- (b) may take into account the extent to which the principal body or other person making the request has had regard to—
 - (i) the code of practice prepared and published by [^{F7}NHS England] under section 263, and
 - (ii) advice or guidance given by [^{F7}NHS England] under section 265.

(9) In this section “principal body” means—

- ^{F8}(a)
- (b) the Care Quality Commission,
- (c) the National Institute for Health and Care Excellence, and
- (d) such other persons as may be prescribed in regulations.

(10) In this Chapter “health care” includes all forms of health care whether relating to physical or mental health and also includes procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

Textual Amendments

- F1** Words in s. 255 heading substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(a)** (with reg. 3)
- F2** Words in s. 255(1) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(b)** (with reg. 3)
- F3** Words in s. 255(3) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(c)** (with reg. 3)
- F4** S. 255(5) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(d)** (with reg. 3)
- F5** S. 255(6) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(d)** (with reg. 3)
- F6** Words in s. 255(7) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(e)** (with reg. 3)

Changes to legislation: Health and Social Care Act 2012, Section 255 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F7** Words in s. 255(8) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(7)(f)** (with reg. 3)
- F8** S. 255(9)(a) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 95**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Modifications etc. (not altering text)

- C1** Pt. 9 Ch. 2: power to amend conferred (1.7.2022) by 2021 c. 3, **s 43(3)** (as inserted by Health and Care Act 2022 (c. 31), **ss. 101(5)(b)**, 186(6); S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30))

Commencement Information

- I1** S. 255 partly in force; s. 255 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 255 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251 substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)